

No. 27051 -- Lawyer Disciplinary Board v. Belinda S. Morton, A Member of the
West Virginia State Bar

FILED

July 1, 2002

RORY L. PERRY II, CLERK
SUPREME COURT OF APPEALS
OF WEST VIRGINIA

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Starcher, Justice, concurring:

The majority opinion in this case simply recognizes that a lawyer who ends up accepting a \$1,500.00 fee for legal services that translates to approximately \$37.50 per hour for her work is neither unethical, nor should she be disciplined for her actions.

The dissent, regardless of its intent, is an attack on a minority lawyer who provides legal services to many people in her community that might otherwise go unrepresented. The majority opinion, in no way, “undermines the integrity of the legal profession,” nor does it involve a case in which the respondent might otherwise expect a substantial contingency fee.

This case has no similarities to *Committee on Legal Ethics v. Tatterson*, 177 W.Va. 356, 352 S.E.2d 107 (1986), in which a lawyer took 33% of \$61,000.00 of insurance death benefits. Nor does it have any relationship to the “big cases” taken by plaintiffs’ attorneys in which there is the prospect of a very large contingency fee, accompanied with the “collection” of medical insurance benefits. This case is simple -- a lawyer ended up charging a mere \$1,500.00 for 40 hours of legal services. The argument advanced in the dissent might be well taken if the respondent had taken a “fee [that was] clearly excessive.”